

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:) Case No. 04-10371B
)
JOSEPHINE COHARA) Chapter 7
)
Debtor) Judge Randolph Baxter

MOTION TO DISMISS CHAPTER 7 PROCEEDING

Debtor respectfully requests this court for an order dismissing her Chapter 7 proceeding on the basis that it would be more fair to the creditors and that some assets that the Trustee is attempting to attach are necessary for the ongoing health and maintenance of the debtor.

**BRIEF AND FACTS IN SUPPORT OF MOTION TO DISMISS CHAPTER 7
PROCEEDING**

Trustee currently is attempting to get an order directing Prudential Annuity Services to turn over annuity payments which are the result of a structured settlement that was negotiated when debtor was involved in a serious automobile accident as a minor. Unfortunately, Debtor's medical condition has progressively declined causing increased pain and the need for one or several operations and said structured settlement payments are necessary to pay ongoing medical expenses which will be incurred as a result of this accident. Debtor's employer has increasingly been classifying some or all of these expenses as pre-existing conditions which will cause an undue hardship on debtor if the structured settlement payments can't be applied to these ongoing expenses.

Debtor further states that a dismissal of her action may be more fair to creditors as she has proposed a payment of her debts to creditors that may ultimately pay more to creditors than under the proposed motion of the Trustee for a Turnover of Funds

especially in light of the increased administration fees that will be paid the Trustee in this matter. This is specifically what was not intended when the structured settlement was proposed as it has anti-alienation provisions which would prohibit the attachment of these funds by creditors.

WHEREFORE, Debtor respectfully requests a dismissal of her Chapter 7 proceeding.

Respectfully submitted,

/s/ Joseph E. Marosan (#0025849)
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Cleveland, Ohio 44130
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NOTICE OF HEARING

A hearing on this Motion to Dismiss will be heard on May 11, 2004 at 9:00 AM in courtroom 3004 on the 30th floor of Key Tower, 127 Public Square, Cleveland, Ohio 44114. If no objections are presented in opposition to the Motion to Dismiss on or before May 4, 2004, the motion and relief may be granted without a hearing.

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Dismiss was mailed by regular U.S. Mail, or emailed electronically, this 6th day of April, 2004 to the interested parties listed in Exhibit A.

/s/ Joseph E. Marosan

EXHIBIT A

Great Lakes Educational Loan Services Inc
Claims Filing Unit
PO Box 8973
Madison, WI 53708-8973
Via U.S. Mail

Alltel
C/O Nationwide Credit Inc.
P.O. Box 740624
Atlanta, GA 30374
Via U.S. Mail

Ameritech
700 Longwater Drive
Norwell, MA 02061
Via U.S. Mail

BMG Music
P.O. Box 91501
Indianapolis, IN 46291
Via U.S. Mail

Center For Advance Dentistry
3690 Orange Place Suite 180
Beachwood, OH 44122
Via U.S. Mail

Charter One Bank
C/O Arrow Financial
7301 North Lincoln Avenue
Lincolnwood, IL 60712
Via U.S. Mail

Community Emergency Physicians
P.O. Box 72556
Cleveland, OH 44192
Via U.S. Mail

Dr. Alperin Ruch & Fried
C/O First Federal Credit Control
24700 Chagrin Blvd #205
Cleveland, OH 44122

Via US. Mail

Dr. Bochenek
P.O. Box 901593
Cleveland, OH 44190
Via US Mail

First Premier Bank
P.O. Box 5114
Sioux Falls, SD 57117
Via U.S. Mail

Florida Metropolitan College
3319 W. Hillsboro Ave.
Tampa, FL 33614
Via U.S. Mail

Great Lakes Higher Education
P.O. Box 3059
Milwaukee, WI 53201
Via U.S. Mail

Marymount Hospital
C/O HMC Group
837 Crocker Road
Westlake, OH 44145
Via U.S. Mail

Parma Community Hospital
P.O. Box 221278
Beachwood, OH 44122
Via U.S. Mail

Progressive Insurance
C/O Credit Collections Services
2 Wells Avenue
Newton, MA 02459
Via US Mail

Radiological Associates
C/O First Federal Credit Control
24700 Chagrin Blvd #205

Cleveland, OH 44122
Via U.S. Mail

Redi Storage
17101 Rockside Road
Garfield Heights, OH 44125
Via U.S. Mail

The Prudential Insurance Company of America
Annuity Services
ATTN: Manager or Executive Officier
P.O. Box 13467
Philadelphia, PA 19101
Via U.S. Mail

Josephine Cohara
11430 Somerset Dr.
North Royalton, Ohio 44133

Via US Mail

Lisa A. Vardzel
Via ECF

United States Trustee
Via ECF